

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

ELAINE BRITT,)	
)	
Plaintiff,)	
v.)	
)	No. 06-0366-CV-W-FJG-SSA
JO ANNE B. BARNHART,)	
Commissioner of Social Security,)	
)	
Defendant.)	

ORDER

Pending before the Court is Plaintiff's Application for Leave to File Civil Action In Forma Pauperis (Doc. No. 1). Together with said motion is Plaintiff's Affidavit of Financial Status.

Pursuant to 28 U.S.C. § 1915, this Court may authorize the commencement or prosecution of any suit without prepayment of fees when an applicant files an affidavit stating that he is unable to pay the costs of the lawsuit, and the Court determines that the lawsuit is not frivolous or malicious.

The Court must exercise its discretion in determining whether an applicant is sufficiently impoverished to qualify under § 1915. Cross v. Gen. Motors Corp., 721 F.2d 1152, 1157 (8th Cir. 1983). Such showing of poverty is sufficient if the applicant would become completely destitute or be forced to give up the basic necessities of life if required to pay the costs of the lawsuit. Adkins v. E.I. Du Pont De Nemours & Co., 335 U.S. 331, 339 (1948); Local Rule 83.7(a) (1999).

Plaintiff's Affidavit reveals that she is 54 years old and divorced. Plaintiff indicates

no dependents. Plaintiff states in her affidavit that she is currently unemployed, and states she was previously employed with Russell Stovers for 2 ½ months, earning a net income of \$413.60 per week.

Plaintiff owns no real property. Plaintiff indicates she owns a 1993 Plymouth Van, and estimates its present value at \$500. Plaintiff indicates that she owes \$500 to American Auto Sales for this vehicle, and indicates monthly payments of \$200.00. Plaintiff indicates that he has \$0.00 cash on hand, and has a checking account at Midwest United Credit Union. Plaintiff indicates that she receives no income from any other sources. Plaintiff reports that her monthly grocery expenses are \$152. Plaintiff further reports she owes \$4,000 to Baptist Medical Center and \$2,000 to President Garden Apts.; however plaintiff indicates she does not make monthly payments to these entities.

Based upon the information provided in plaintiff's affidavit, the Court believes that plaintiff is sufficiently impoverished to be permitted to proceed in forma pauperis. Therefore, the Court will grant plaintiff's application for leave to file this civil action in forma pauperis. Additionally, the Court finds that Plaintiff's complaint is not barred by 28 U.S.C. § 1915(e)(2)(B). The complaint does not appear to be frivolous, nor does it appear to state a claim on which relief cannot be granted or seek monetary relief against a defendant who is immune from such relief.

Accordingly, it is hereby **ORDERED** that:

1. Plaintiff's Motion to Proceed In Forma Pauperis (Doc. No. 1) is GRANTED;
2. because this case is included in the Case Management/Electronic Case Filing system, plaintiff's counsel shall be responsible for electronically filing the Complaint on or before May 12, 2006; and

3. plaintiff shall be responsible for serving process in the manner described in Federal Rule of Civil Procedure 4(l).

Date: May 9, 2006
Kansas City, Missouri

S/ FERNANDO J. GAITAN, JR.
Fernando J. Gaitan, Jr.
United States District Judge